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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,497	12/30/2005	Allan Dolph Meyer	GRANT-013	8653
7550 Mark A Wilson Wilson & Ham 2530 Berryessa Road San Jose, CA 95132			EXAMINER PATEL, NIHIR B	
			ART UNIT 3772	PAPER NUMBER
			MAIL DATE 03/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,497

Applicant(s)

MEYER ET AL.

Examiner

NIHIR PATEL

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2.22.2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-9, 11-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 11-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 22nd, 2008 has been entered.
2. The examiner acknowledges the cancellation of claims 2-4, 10, 16 and 17 in the amendment filed on January 14th, 2008.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims **1 and 5** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "**by respective ones of said latches**" is indefinite.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims **1, 5, 11-15 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinestroza (US 6,224,018) in view of Haynes (US 4,828,207).

8. **As to claims 1 and 11-15**, Hinestroza substantially discloses an apparatus that comprises an elongate base molding forms a forward facing chair **20** (see **figures 1 and 2; column 3 lines 55-60**) for a user, the chair having a seat **21** (see **figures 2 and 3; column 2 lines 55-60**) and a back rising from the seat **22** (see **figures 2 and 3; column 2 lines 55-60**), the base molding has a front portion that extends forward of the chair seat at user foot level (see **figures 2 and 3**), the base molding has a rear portion that extends upwardly above the back of the chair and above user head level (see **figures 2 and 3**), the base molding defines a peripheral seal-line **45** that extends around the front portion, along each side of the chair and around the rear portion (see **figure 4 and column 4 lines 35-45**), an elongate canopy extends forward and downward from above user head level at the back portion of the base to the front of the base (see **figures 2 and 3**), the canopy has a convex external surface that is curved both front to back and side to side (see **figure 3**) an elongate transparent window is formed in the canopy (see **page 4 lines 35-45**); said window also has a convex outer external surface that is curved from front to back and side to side and the window extends at least from user head level to the level of the seat of the chair,

when the canopy is closed (**see figure 3**), the canopy is movable between an open position, where a user can freely move to the chair from the side of the capsule, and a closed position where a seated user is fully enclosed by the base and the canopy (**see column 4 lines 25-40**), the canopy defines a peripheral seal-line that is adapted to engage with the base seal-line to form an air tight seal between the canopy and the base when the canopy is in the closed position (**since it has a seal; the capsule inherently it is considered to be air tight**); and wherein means are provided for supplying gas under pressure to the capsule and for maintaining hyperbaric pressure within the capsule, when the canopy is in the closed position (**the oxygen tank 27 (see column 3 lines 65-67) implies that the capsule is under hyperbaric pressure when the canopy is in the closed position**) but does not disclose latching means operable from both within and outside the capsule is provided for securing the canopy to the base when the canopy is in the closed position to permit pressurization of the capsule, and for releasing the canopy from the base for movement to open position wherein the latching means comprises a plurality of latches spaced around the peripheral seal line of the base, a plurality of latch pins spaced around the peripheral seal line of the canopy for engagement by respective ones of the latches, inside actuator means operable from the capsule when the canopy is in the closed position to secure and release all the latches in unison, and outside actuator means operable from the outside the capsule when the canopy is in the closed position to secure and release all the latches in unison. Haynes teaches an apparatus that does provide latching means (**see column 7 lines 1-25**) operable from both within and outside the capsule is provided for securing the canopy to the base when the canopy is in the closed position to permit pressurization of the capsule, and for releasing the canopy from the base for movement to open position wherein the latching means comprises a plurality of latches

spaced around the peripheral seal line of the base (**see column 7 lines 1-25**), a plurality of latch pins spaced around the peripheral seal line of the canopy for engagement by respective ones of the latches, inside actuator means operable from the capsule when the canopy is in the closed position to secure and release all the latches in unison, and outside actuator means operable from the outside the capsule when the canopy is in the closed position to secure and release all the latches in unison (**see column 7 lines 1-25**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hinestroza's invention by providing latching means operable from both within and outside the capsule is provided for securing the canopy to the base when the canopy is in the closed position to permit pressurization of the capsule, and for releasing the canopy from the base for movement to open position wherein the latching means comprises a plurality of latches spaced around the peripheral seal line of the base, a plurality of latch pins spaced around the peripheral seal line of the canopy for engagement by respective ones of the latches, inside actuator means operable from the capsule when the canopy is in the closed position to secure and release all the latches in unison, and outside actuator means operable from the outside the capsule when the canopy is in the closed position to secure and release all the latches in unison as taught by Haynes in order to provide a better air tight seal.

9. **As to claim 18**, Hinestroza substantially discloses an apparatus that comprises an elongate base molding forms a forward facing chair **20** (**see figures 1 and 2; column 3 lines 55-60**) for a user, the chair having a seat **21** (**see figures 2 and 3; column 2 lines 55-60**) and a back rising from the seat **22** (**see figures 2 and 3; column 2 lines 55-60**), the base molding has a front portion that extends forward of the chair seat at user foot level (**see figures 2 and 3**), the base

molding has a rear portion that extends upwardly above the back of the chair and above user head level (see figures 2 and 3), the base molding defines a peripheral seal-line 45 that extends around the front portion, along each side of the chair and around the rear portion (see figure 4 and column 4 lines 35-45), an elongate canopy extends forward and downward from above user head level at the back portion of the base to the front of the base (see figures 2 and 3), an elongate transparent window is formed in the canopy (see page 4 lines 35-45); said canopy is movable between an open position, wherein a user can freely move to the chair from the side of the capsule, and a closed position where a seated user is fully enclosed by the base and the canopy (see column 4 lines 25-40), the canopy defines a peripheral seal-line that is adapted to engage with the base seal-line to form an air tight seal between the canopy and the base when the canopy is in the closed position (since it has a seal; the capsule inherently it is considered to be air tight); and wherein means are provided for supplying gas under pressure to the capsule and for maintaining hyperbaric pressure within the capsule, when the canopy is in the closed position (the oxygen tank 27 (see column 3 lines 65-67) implies that the capsule is under hyperbaric pressure when the canopy is in the closed position) but does not disclose a pressure operated lock to prevent the opening of the canopy while there is super atmospheric pressure within the capsule. Haynes teaches an apparatus that does provide a pressure operated lock to prevent the opening of the canopy while there is super atmospheric pressure within the capsule (see column 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hinestroza's invention by providing a pressure operated lock to prevent the opening of the canopy while there is super atmospheric pressure within the capsule as taught by Haynes in order to provide a tighter seal.

10. **As to claim 5**, Hinestroza substantially discloses the claimed invention; see rejection of claim 1 above, but does not disclose latches that include hook members movable between a secure position in which the hook members engage respective one of the latch pins when the canopy is in the closed position and a release position in which the members disengage the respective ones of the latch pins, and the hooks members have an over-center action whereby an opening applied to the canopy, when the hook members are in the secure position, acts to bias the hook members toward the secure position, thereby inhibiting operation of the inside and outside actuator means when the capsule is under pressure. Haynes teaches an apparatus that does provide latches that include hook members movable between a secure position in which the hook members engage respective one of the latch pins when the canopy is in the closed position and a release position in which the members disengage the respective ones of the latch pins, and the hooks members have an over-center action whereby an opening applied to the canopy, when the hook members are in the secure position, acts to bias the hook members toward the secure position, thereby inhibiting operation of the inside and outside actuator means when the capsule is under pressure (see **figure 9; column 10**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hinestroza's invention by providing latches that include hook members movable between a secure position in which the hook members engage respective one of the latch pins when the canopy is in the closed position and a release position in which the members disengage the respective ones of the latch pins, and the hooks members have an over-center action whereby an opening applied to the canopy, when the hook members are in the secure position, acts to bias the hook members

toward the secure position, thereby inhibiting operation of the inside and outside actuator means when the capsule is under pressure as taught by Haynes in order to provide a tighter seal.

Allowable Subject Matter

11. Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach or suggest the base having a first U shaped periphery which is generally horizontal and which defines a first portion of the base seal-line, the first U shaped periphery extends from below the seat on each side of the chair and around the front portion of the base, the base has a U shaped periphery which is generally vertical and which defines a second portion of the base seal-line, the second U shaped periphery is in the form of an inverted U that extends from below the seat on each side of the chair and over the back of the chair, the first U shaped periphery and the second periphery join at a given angle below the seat completing the base seal line, the canopy includes two opposed downwardly extending side portions of generally triangular form, each side portion of the canopy forms a canopy angle that is substantially equal to the given angle, each side portion also defining portion of the canopy seal line, and the side portions of the canopy fit into the join of the first and second U shape peripheries on each side of the capsule when the canopy is in the closed position.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIHIR PATEL whose telephone number is (571)272-4803. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nihir Patel/
Examiner, Art Unit 3772

/Patricia Bianco/

Supervisory Patent Examiner, Art Unit 3772

